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U.S. DISTRICT COURT

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TX EASTERN-MARSHALL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BY _____

HO KEUNG, TSE
P.O. BOX 80306
CHEUNG SHA WAN POST OFFICE
HONG KONG
eMail : hktse2007@Gmail.com

Plaintiff

vs

EBAY, INC.
2145 HAMILTON AVENUE
SAN JOSE, CALIFORNIA 95125
USA.

UBID, INC.
1140 W. THORNDALE AVE
ITASCA
IL 60143.

AMERICA ONLINE, INC
22000 AOL WAY
DULLES, VIRGINIA 20166

Texas Glamour Publications
13200B Saxby Ct.
Austin, Texas 78729

Defendants

Civil Action No. **2-09 CV-380**

COMPLAINT FOR PATENT INFRINGEMENT

AND PRAY FOR INJUNCTIVE RELIEF

Plaintiff, Ho Keung Tse ("Plaintiff" or "Tse"), files this Complaint against eBay Inc. ("eBay"), uBid, Inc. ("uBid"), America Online Inc. ("AOL"), and Texas Glamour Publications ("Texas Glamour"), all of them collectively referred to as "Defendants", as follows:

PLAINTIFF'S ATTEMPT TO SECURE COUNSEL :

No counsel secured No conference held between Plaintiff and any Attorney.

PLAINTIFF'S PREVIOUS LAWSUIT

One action It involves infringement of the same US Patent 6665797, using the user identity verification technologies covered by the '797 Patent to prevent music piracy, while enable the music purchasers to have full access to the music they own

Describe the lawsuit :

a Approximate date of filing lawsuit : August, 5, 2005

b Parties to previous lawsuit

Plaintiff : Ho Keung, TSE

Defendants : Apple Computer, Inc., RealNetworks, Inc , MusicMatch, Inc.,
Sony Connect, Inc., and Napster Inc

c Court: The United States District Court for Northern District of California.

d Docket Number : C 06-06573 SBA

e Name of Judge to whom the case was assigned : Judge Sandra Brown Armstrong

f Disposition : Nil The case was stayed by the order of Judge Sandra Brown

Armstrong, on October 4, 2007, pending for a result of
Reexamination of the '797 Patent.

g Approximate Date of Disposition: unknown

NATURE OF THE PRESENT ACTION

1. This is a patent infringement action to stop each Defendant's infringement of Plaintiff's United States Patent No. 6,665,797 (the " '797 Patent", a copy of which is attached hereto as Exhibit A) entitled "Computer Apparatus/Software Access Right Management (referring to the Certificate of Correction dated January 3, 2006, at the last page of Exhibit A). Plaintiff is the sole owner of United States Patent Number 6,665,797 Plaintiff seeks injunctive relief and monetary damages

The '797 patent is currently under a reexamination before the United States Patent and Trademark Office, jointly requested by defendants Apple, RealNetworks, MusicMatch, Sony Connect and Napster in an action, case no : 06-06573 SBA, in United States District Court for the Northern District of California. To date, the United States Patent and Trademark Office has confirmed validity of claim 16, with the other claims under reexamination pending for confirmation.

PARTIES

2. Plaintiff is the sole inventor, sole patentee and sole owner of the '797 Patent duly and legally issued by the United States Patent and Trademark Office on December 16, 2003. Plaintiff owns and has at all times owned and has standing to sue for infringement of '797 Patent.

3. Upon information and belief, Defendant eBay Inc. is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 2145 Hamilton Avenue, San Jose, California 95125, USA eBay Inc. may be served with process through its Registered Agent, National Registered Agents, Inc., 2875 Michelle Dr., Ste 100, Irvine, CA 92606.

4. Upon information and belief, Defendant uBid, Inc. is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business located at 1140 W. Thorndale Ave, Itasca, IL 60143. uBid, Inc. may be served with process through its Registered Agent, Mr. Miguel Martinez Jr., 1140 W. Thorndale Ave, Itasca, IL 60143.

5. Upon information and belief, Defendant America Online Inc. is a corporation organized and existing under the laws of the State of Virginia, with its principal place of business located at 22000 AOL Way, Dulles, Virginia 20166. America Online, Inc. may be served with process through its Registered Agent, Corporation Service Company, 80 State Street, Albany, New York, 12207-2543.

6. Upon information and belief, Defendant Texas Glamour is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 13200B, Saxby Ct, Austin, Texas 78729.

JURISDICTION AND VENUE

7. This action arises under the Patent Laws of the United States, Title 35 United States Code, including but not limited to 35 U.S.C. § 271, 281, 283, 284, and 285.

8. This Court has jurisdiction of this action under 28 U.S.C. § 1331 (federal question jurisdiction), 1338(a) (patent jurisdiction)

9. The Court has personal jurisdiction over each Defendant pursuant to due process and/or the Texas Long Arm Statute because: each Defendant has minimum contacts within the State of Texas and the Eastern District of Texas; each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; each Defendant has sought protection and benefit from the laws of the State of Texas; each Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas. Each Defendant solicits customers in the State of Texas and in the Eastern District of Texas, regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and/or services provided to individuals in Texas and in this Judicial District. Each Defendant has many paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use respective Defendant's products and/or services, infringing on the '797 patent in the State of Texas and in the Eastern District of Texas.

10. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1391 and 1400(b)

GENERAL ALLEGATIONS

11. The present invention is directed to protecting computer apparatus or software from unauthorised use, by use of financial account information of users, to verify the identities of real users.

12. Each defendant is using, or participates in using or in implementing, a system which requires each customer to provide financial account information, such as credit card account or its equivalent, through Internet (corresponding to receiving step of claim 21) and then verifies the validity of the account information through a payment gateway (corresponding to verifying step of claim 21), so as to verify the real identity of each customer, before providing non-charging services to the customer (corresponding to last step and last paragraph of claim 21), infringing claims 16, 21, 22, 24 and 25 of '797 patent.

13. Defendants eBay Inc , uBid, Inc. and America Online Inc. have been notified of Plaintiff's rights in the '797 patent and of Plaintiff's intent to enforce those rights. They have, with full knowledge of those rights, wilfully proceeded to infringe in disregard of Plaintiff's rights

COUNT I --PATENT INFRINGEMENT OF EBAY

14. Defendant eBay is, upon information and belief, is offering, has offered or continues to offer, Internet Auction Services, through its website <http://www.eBay.com>, in this Judicial District and elsewhere in the United States, using the patented methods and software and systems covered under the claims 16, 21, 22, 24 and 25 of '797 patent in suit, to verify the real identities of its bidder, thereby preventing any user from using a fake identity to bid, so as to protect its auction business from schill-bidding activities and other Internet frauds

15. Defendant eBay has actively induced and is actively inducing infringement of the '797 Patent and is liable for contributory infringement of the '797 Patent, in this Judicial District and elsewhere in the United States.

COUNT II --PATENT INFRINGEMENT OF UBID

16. Defendant uBid is, upon information and belief, is offering, has offered or continues to offer, Internet Auction Services, through the website <http://www.ubid.com>, in this Judicial District and elsewhere in the United States. uBid is using the patented methods and software and systems covered under the claims 16, 21, 22, 24 and 25 of '797 patent in suit, to verify the real identities of its bidder, thereby preventing any user from using a fake identity to bid, so as to protect its auction business from schill-bidding activities and other Internet frauds.

17. Defendant uBid has actively induced and is actively inducing infringement of the '797 Patent and is liable for contributory infringement of the '797 Patent, in this Judicial District and elsewhere in the United States.

COUNT III --PATENT INFRINGEMENT OF AOL

18. Defendant AOL, upon information and belief, is offering, has offered or continues to offer, its free trial services, including but not limited to its “TRY and BUY” service, to users, including free trials of its Internet Online Services and other services or products that have been or are being promoted through its website <http://www.aol.com>, including but not limited to “AOL Product Central” portal, in this Judicial District and elsewhere in the United States AOL is using the patented user identity verification methods and software and systems covered under the claims 16, 21, 22, 24 and 25 of '797 patent in suit, to verify the real identities of users, so as to, on one hand, with a view to turning a potential customer into a paying one, allow users to have free trials, and on the other hand, preventing users from repeatedly using the free trial services by submitting AOL fake identities.

19. Defendant AOL has actively induced and is actively inducing infringement of the '797 Patent and is liable for contributory infringement of the '797 Patent, in this Judicial District and elsewhere in the United States.

COUNT IV --PATENT INFRINGEMENT OF TEXAS GLAMOUR

20. Defendant Texas Glamour, upon information and belief, is offering, has offered or continues to offer, porn contents to its customers, through its website <http://www.texasglamour.com>, in this Judicial District and elsewhere in the United States. Texas Glamour has used or is using the patented user identity verification methods and software and systems covered under the claims 16, 21, 22, 24 and 25 of '797 patent in suit, to verify the real identities of subscribers, and also, to verify its website visitors are adults, before providing them porn contents.

21. Defendant Texas Glamour has actively induced and is actively inducing

infringement of the '797 Patent and is liable for contributory infringement of the '797 Patent, in this Judicial District and elsewhere in the United States.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

22. That Defendants be held to have infringed the '797 patent.

23. That Defendants, their directors, officers, agents, servants, employees and all other persons in active concert or privity or in participation with them, be enjoined from directly or indirectly infringing Plaintiff's patent.

24. That judgment be entered for Plaintiff against Defendants, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of Plaintiff's patent.

25. That judgment be entered for Plaintiff against Defendants, for statutory damages based upon Defendants' acts of patent infringement and for its other violations of law.

26. That Defendants be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law.

27. That judgment be entered for Plaintiff and against Defendants, for trebling of the damages awarded for patent infringement.

28. That Plaintiff have judgment against the Defendants for Plaintiff's costs and attorney's fees.

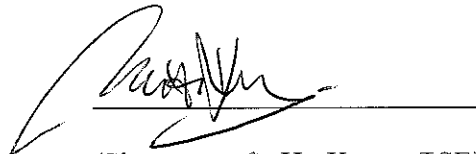
29. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests and demands a trial by jury on all issues so triable.

Signed this 2nd day of December, 2009.


Respectfully submitted,



(Signature of Ho Keung TSE)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on December 2, 2009



(Signature of Ho Keung TSE)